

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JULIO SUAREZ,	:	Case No. 1:14cv968
	:	
Plaintiff	:	
	:	
v.	:	Hon. William W. Caldwell
	:	
ERIC H. HOLDER, JR.,	:	
Attorney General of the United	:	
States; and B. TODD JONES,	:	
Director of the Bureau of	:	
Alcohol, Tobacco, Firearms and	:	
Explosives,	:	
	:	
Defendants.	:	Electronically Filed

**DEFENDANTS' RESPONSE TO PLAINTIFF'S  
STATEMENT OF MATERIAL FACTS**

Pursuant to Local Rule 56.1, Defendants Eric H. Holder Jr., Attorney General of the United States; and B. Todd Jones, Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives, hereby submit the following response to Plaintiff's statement of material facts in support of their motion for summary judgment [ECF No. 19].

Preliminarily, Defendants note that this response is solely designed to respond to Plaintiff's statement of undisputed material facts by identifying which of the factual grounds for Plaintiff's motion are disputed. In light of Defendants' separate motion to dismiss or for summary judgment, the use of the word "disputed" or

similar references herein should not be construed to mean that Defendants believe that there are genuine issues of fact that would necessitate a trial. Rather, such language simply means that Defendants dispute Plaintiff's statement regarding that matter. Defendant maintains its position that there are *no* genuine issues of material fact with respect to the grounds entitling Defendants to summary judgment.

Additionally, Defendants dispute Plaintiff's inclusion of allegations and purported facts that are not material to the outcome of this suit. See Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 247-48 ("As to materiality, the substantive law will identify which facts are material. Only disputes over facts that might affect the outcome of the suit under the governing law will properly preclude entry of summary judgment. Factual disputes that are irrelevant or unnecessary will not be counted.").

1. Undisputed.
2. Disputed that Plaintiff has never been convicted of a felony. See Def. Combined Reply Supp. Mot. to Dismiss or for Summ. J. and Opp. to Pl. Mot. for Summ. J. [ECF No. 26], at 16-18. The remainder of this paragraph is undisputed.
3. Undisputed.
4. Undisputed.
5. Disputed. See Def. Mot. to Dismiss or for Summ. J. [ECF No. 12], Ex. 2, at 3.

6. Undisputed.
7. Undisputed.
8. Undisputed.
9. Undisputed.
10. Disputed; this paragraph does not set forth uncontroverted facts that are material to the outcome of this suit. See Anderson, 477 U.S. at 247-48.
11. Disputed; this paragraph does not set forth uncontroverted facts that are material to the outcome of this suit. See Anderson, 477 U.S. at 247-48.
12. Disputed; this paragraph does not set forth uncontroverted facts that are material to the outcome of this suit. See Anderson, 477 U.S. at 247-48.
13. Disputed; this paragraph does not set forth uncontroverted facts that are material to the outcome of this suit. See Anderson, 477 U.S. at 247-48.
14. Disputed; this paragraph does not set forth uncontroverted facts that are material to the outcome of this suit. See Anderson, 477 U.S. at 247-48.
15. Disputed; this paragraph does not set forth uncontroverted facts that are material to the outcome of this suit. See Anderson, 477 U.S. at 247-48.
16. Disputed; this paragraph does not set forth uncontroverted facts that are material to the outcome of this suit. See Anderson, 477 U.S. at 247-48.
17. Undisputed.
18. Undisputed.

19. Undisputed.

20. Undisputed.

21. Undisputed.

22. Undisputed.

23. Undisputed.

24. Disputed; of this paragraph does not set forth a statement of fact but instead consists of a legal conclusion. As to this legal conclusion, Defendants respectfully refer the Court to Defendants' motion to dismiss or for summary judgment [ECF No. 12].

Of Counsel

Respectfully submitted,

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Date: December 29, 2014